

★ NOV 16 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X BROOKLYN OFFICE

GARY LABARBERA, *et al.*,

Plaintiffs,

— against —

OVAN CONSTRUCTION, INC., ,

Defendant.

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TOWNES, United States District Judge:

On September 20, 2011, Magistrate Judge Viktor V. Pohorelsky issued a Report and Recommendation (the "R&R"), recommending that plaintiffs be awarded \$177,814.60 in damages and interest; \$113.56 *per diem* for interest and liquidated damages for the period from May 26, 2007, through the date of judgment; and \$73,350.44 in attorneys' fees and costs. The R&R directed plaintiffs' counsel to serve a copy of the R&R on defendant by regular mail, and specifically advised the parties (1) that any objections had to be filed within 14 days of receipt of the R&R and (2) that failure to file objections within the specified time would result in a waiver of the right to appeal. *See* R&R at 10. According to a certificate of service filed by plaintiffs' counsel and docketed as Document 45, the R&R was mailed to defendant on September 20, 2011. No objections have yet been filed.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since no objections have been filed, this Court adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

ORDER

06-CV-2867 (SLT)(VVP)

CONCLUSION

For the reasons stated above, Magistrate Judge Pohorelsky's Report and Recommendation dated September 20, 2011, is adopted in its entirety. The Clerk of Court is directed to enter judgment awarding plaintiffs \$177,814.60 for unpaid contributions, interest, and liquidated damages for the period up to May 25, 2007; \$113.56 in interest and liquidated damages for each day from May 26, 2007, through date of judgment; and \$73,350.44 in attorneys' fees and costs. Furthermore, since the R&R advised the parties that failure to object would preclude further judicial review, the parties have waived the right to appeal this Court's Order. *See Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

SO ORDERED.

s/ SLT

SANDRA L. TOWNES
United States District Judge

Dated: November *16*, 2011
Brooklyn, New York